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DII-Emerald Springs, LLC
212 E. Rowland Street #423
Covina, CA 91723

October 8 2014

Arizona Corporation Commission

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ORIGINAL

Docket Control Center
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007



RE: ORDER DATED September 29, 2014

Docket Nos. WS-20794A-11-0140, WS-20794A-11-0279, and SW-20851A-12-0226

DII-Emerald Springs, LLC ("DII") provides the following response to Order dated 9-29-14:

DII clarifies the following: Page 3, line 5 (item 7) does not reflect the actual facts... If it reads as follows it will represent the actual events: In June 2003, DII purchased 33 lots within the subdivision. In 2004, after the dispute with Mr. Thompson; the HOA asked DII to help with the sewer problem. DII then purchased a sewer treatment plant and eventually started to service the HOA per their request... (DII did not begin constructing a WWTP to serve its properties. DII did not need sewer service for around 2 years after purchasing the 33 lots).

DII motions to postpone scheduled hearing on October 16, 2014 for 90 days or until the civil case is completed-settled (see attached letter from attorney representing DII in civil case). There is a civil lawsuit against the HOA filed at the La Paz Superior Court. This case will negatively impact the HOA and its members. DII believes once the HOA members find out the potential liability to each of them; the HOA may be required by its members to reconsider the sewer situation. ACC has been informed the HOA board has not informed any members of this case or anything else related to the sewer issue.

1. DII is requesting the above motion in consideration and fairness towards DII. The ACC and Staff have been excessively fair and understanding towards Mr. Thompson's lack of response to every single procedural order. In fact, Mr. Thompson took over ONE (1) year to comply with his application, yet staff was very supportive and understanding to the lack of compliance from Mr. Thompson's.
2. The considerations were also extended to the HOA and Robhana by giving them over ONE (1) year to form, a paper district; that does not provide a real solution to the sewer issues at the subdivision.

Based upon the foregoing, DII Respectfully requests the same considerations given to others as mentioned above be also given to DII by granting the requested motion.

If additional information or clarification is required, please contact me at 626-664-0602.

Sincerely;

DII-Emerald Springs, LLC
Henry Melendez, President

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